

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**SAMUEL & STEIN**

David Stein (DS 2119)  
Michael Samuel (MS 7997)  
38 West 32<sup>nd</sup> Street  
Suite 1210  
New York, New York 10001  
(212) 563-9884  
Attorneys for Plaintiff,  
Miguel Sampedro

Miguel Sampedro, Individually  
and on Behalf of All Other  
Persons Similarly Situated

Plaintiffs,

- vs. -

264 W 40 Food LLC, d/b/a  
Teleon Café, Petros ("Peter")  
Skonderiklis, and Jimmy  
Boyasky,

Defendants.

CASE NO. 08-CV-0290 (GEL)

**REQUEST FOR  
ENTRY OF DEFAULT**

Plaintiffs Miguel Sampedro, individually and on behalf of all other persons similarly situated, by and through their undersigned attorneys, request that the Clerk of Court enter the default of defendants 264 W 40 Food LLC, d/b/a Teleon Café, and Petros ("Peter") Skonderiklis, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for failure to plead or otherwise defend, as described in the supporting Attorney certification.

Dated: February 22, 2008



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David Stein

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on this date, I caused the foregoing Request for Entry of Default, Proposed Entry of Default, and supporting Attorney Certification to be served upon defendants 264 W 40 Food LLC, d/b/a Teleon Café, and Petros ("Peter") Skonderiklis by first class mail via the U.S. Postal Service at the following address:

264 W 40 Food LLC, d/b/a Teleon Café  
264 West 40<sup>th</sup> Street  
New York, New York 10018

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "David Stein", is written above a horizontal line.

David Stein

Dated: February 22, 2008

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**CERTIFICATION OF COUNSEL IN  
SUPPORT OF REQUEST FOR  
ENTRY OF DEFAULT**

I am the attorney for plaintiffs Miguel Sampedro, individually and on behalf of all other persons similarly situated, in the above-entitled matter and am actually entrusted with the handling of this action, and I make this certification in support of plaintiffs' request for entry of default.

1. This action was commenced by filing summons and complaint with the District Court on or about January 14, 2008.

2. Defendant 264 W 40 Food LLC, d/b/a Teleon Café, was served with the summons and complaint in this matter by leaving the documents at its principal place of business, 264 West 40<sup>th</sup> Street, New York, New York 10018, on February 1, 2008, with defendant's general agent who was authorized to accept the documents on defendant's behalf, as per the previously filed Affidavit of Service in this matter.
3. Defendant Petros ("Peter") Skonderiklis was served with the summons and complaint in this matter by leaving the documents at his place of business in New York, namely 264 W 40 Food LLC, d/b/a Teleon Café, located at 264 West 40<sup>th</sup> Street, New York, New York 10018, with a person of suitable age and discretion, on February 1, 2008, and by sending the documents via first class mail on February 6, 2008, as per the previously filed Affidavit of Service in this matter.
4. Affidavits of Service were filed with the District Court via Electronic Case Filing on February 19, 2008.
5. Defendants 264 W 40 Food LLC, d/b/a Teleon Café, and Petros ("Peter") Skonderiklis have failed to plead or otherwise answer or respond within the time specified by the Federal Rules of Civil Procedure.

6. I certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: February 22, 2008

A handwritten signature in black ink, appearing to read "David Stein". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.

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David Stein

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CASE NO. 08-CV-0290 (GEL)

**DEFAULT**

It appearing that the above-named defendants have failed to plead or otherwise defend this action though duly served with summons and complaint as shown by the Affidavits of Service filed with the Court, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Entry of Default against 264 W 40 Food LLC, d/b/a Teleon Café and Petros ("Peter") Skonderiklis is herein noted and entered on this \_\_\_\_\_ day of February, 2008.

Dated: February \_\_\_\_\_, 2008

J. MICHAEL McMAHON, Clerk, USDC

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Deputy Clerk: